

Introduced by Senator Jackson

February 6, 2014

An act to add Article 4 (commencing with Section 104670) to Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, relating to nutrition.

LEGISLATIVE COUNSEL'S DIGEST

SB 949, as introduced, Jackson. Nutrition: Distinguished After School Health Recognition Program.

Existing law, the Child Care and Development Services Act, is enacted for, among other purposes, the purpose of providing a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs.

This bill would establish the Distinguished After School Health (DASH) Recognition Program, to be administered by the State Department of Public Health, in consultation with the State Department of Education. The bill would require the department to provide an application for, and issue a certificate to, after school programs, as defined, that self-certify that they meet prescribed requirements, including staff training on healthy eating and physical activity, providing healthy food and drinks to participants, and providing participants with physical activity and limited screen time. The certificate would be valid for one year and this bill would require the department to post a list of certificate holders on its Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Distinguished After School Health Recognition Program.

SEC. 2. The Legislature finds and declares all of the following:

(a) Childhood obesity poses a serious threat to the children of our state and to their future.

(b) According to the American Heart Association, 23.9 million children in America who are two to 19 years of age, inclusive, are overweight or obese and, of these children, more than one-half, 12.7 million, are obese.

(c) In California one out of three children are obese or overweight.

(d) The medical and workforce consequences of childhood obesity also threaten the fiscal viability of our health care system and our economy if not addressed. California costs attributable to physical inactivity, obesity, and overweight in 2011 were estimated at \$52.7 billion.

(e) The after school provider community has the reach and opportunity to provide a healthy after school experience to over 1,500,000 children in the out-of-school time period. These numbers include 4,400 publicly funded after school programs in California, including After School Education and Safety Program (ASES) and 21st Century Community Learning Centers (CCLC) programs that serve over 450,000 low-income students (K-12th grade) statewide, public and nonprofit after school programs, and 600,000 schoolage children in licensed childcare settings.

SEC. 3. Article 4 (commencing with Section 104670) is added to Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, to read:

Article 4. Distinguished After School Health Recognition
Program

104670. The Distinguished After School Health Recognition Program is hereby established, to be administered by the State Department of Public Health, in consultation with the State Department of Education, as appropriate.

104671. For purposes of this article, the following definitions shall apply:

1 (a) “After school program” means After School Education and
2 Safety Program (ASES), 21st Century High School After School
3 Safety and Enrichment for Teens (High School ASSETS) program,
4 and other qualified out-of-school time and licensed childcare
5 programs conducted under Chapter 2 (commencing with Section
6 8200) of Part 6 of Division 1 of Title 1 of the Education Code that
7 are outside of regular school hours, including before school and
8 on weekends.

9 (b) “DASH recognition program” means the Distinguished After
10 School Health Recognition Program enacted pursuant to this article.

11 (c) “Program attendee” means a person enrolled in an after
12 school program.

13 (d) “Screen time” means television, videos, computers, and
14 hand-held devices, with or without Internet access.

15 104672. (a) An after school program that meets all of the
16 requirements of Section 104673 may apply to the department for
17 certification under the DASH recognition program. The application
18 shall include a description of the manner in which the after school
19 program meets the criteria described in Section 104673. If an after
20 school program consists of multiple sites, each physical site of the
21 program that is seeking certification shall apply to the department.

22 (b) The department shall, on its Internet Web site, provide an
23 application form for an after school program to apply for a
24 certificate under this article and include resources and links that
25 an after school program may utilize to meet the requirements of
26 this article.

27 104673. The department shall provide a certificate pursuant to
28 this article to an after school program that self-certifies, and
29 provides a description demonstrating the manner in which the after
30 school program meets, each of the following:

31 (a) Each staff member of the after school program has received
32 training on the standards of this article and the importance of
33 modeling healthy eating and physical activity. Training shall be
34 in accordance with the YMCA of the USA, the Center for
35 Collaborative Solutions, A World Fit For Kids!, the National
36 Institute on Out-of-School Time, or other similar programs.

37 (b) The after school program provides regular and ongoing
38 nutrition education to each program attendee to help the program
39 attendee develop and practice healthy habits.

1 (c) The after school program ensures that each program attendee
2 participates, on a daily basis, in an average of 30 to 60 minutes of
3 moderate to vigorous physical activity, consistent with Guidelines
4 7 and 8 of the California Department of Education's California
5 After School Physical Activity Guidelines, while the after school
6 program is in session.

7 (d) Screen time is limited during the operational hours of the
8 after school program and is only allowed in connection with
9 homework or an activity that engages program attendees in a
10 physical activity or educational experience, consistent with the
11 California After School Physical Activity Guidelines.

12 (e) Healthy foods, including, but not limited to, fruits or
13 vegetables, without added sugar, shall be served to program
14 attendees as snacks on a daily basis. Fried foods, candy, or foods
15 that are primarily sugar-based, high in sodium, or include trans fats
16 shall not be served to program attendees or consumed by staff
17 during the program's hours of operation. Snacks or meals provided
18 pursuant to the After School Education and Safety Program
19 (ASES), the 21st Century High School After School Safety and
20 Enrichment for Teens (High School ASSETs) program, and the
21 Child and Adult Care Food Program (CACFP) meal guidelines
22 shall be deemed to meet this standard.

23 (f) Program attendees shall be served water, low-fat or nonfat
24 milk, or 100 percent fruit juice. A preference shall be given for
25 water. Safe and clean drinking water shall be available and
26 accessible at all times to program attendees and staff. Milk and
27 fruit juices shall not be served in quantities exceeding six ounces
28 per day. Sugar-sweetened beverages shall not be served to program
29 attendees and staff of the after school program shall not consume
30 sugar-sweetened beverages at the program site.

31 (g) If the after school program is located on a school site, the
32 after school program communicates with the school regarding
33 nutrition education and physical activity, as appropriate, to provide
34 the program attendees with a complete educational experience.

35 (h) The after school program has implemented an educational
36 program for parents of program attendees that provides the parents
37 with nutrition and physical activity information relevant to the
38 program and the health of their children.

39 (i) Information about the implementation of the requirements
40 listed in subdivisions (a) to (h), inclusive, is available for review

1 by a parent at both the physical location of the after school program
2 and on the after school program's Internet Web site, if there is one.

3 104674. A certificate issued under this article shall be valid
4 for one calendar year. An after school program that wishes to renew
5 its certificate for the subsequent year shall, by January 1 of that
6 year, certify with the department that the program continues to
7 meet the DASH recognition program standards.

8 104675. The department shall maintain and update a list of
9 after school programs that receive a certificate under the provisions
10 of this article and shall post that list on its Internet Web site,
11 including the date of self-certification for each after school
12 program.

13 104676. In implementing the provisions of this article, the
14 department may consider developing gold, silver, and bronze levels
15 of distinction.